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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK**

<b>ONTEL PRODUCTS CORPORATION</b>  Plaintiff,  v.  <b>S.C. CHANG INC.</b>  Defendant.	Civil Action No.
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ontel Products Corporation (“Ontel”), by and through its undersigned attorneys, for its Complaint for patent infringement against Defendant S.C. Chang Inc. (“Defendant”) and alleges as follows:

### **NATURE OF ACTION**

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 U.S.C. § 101 et. seq.

### **THE PARTIES**

2. Plaintiff Ontel is a corporation organized and existing under the laws of the State of New Jersey, having a place of business at 21 Law Drive, Fairfield, NJ 07004.

3. Plaintiff Ontel designs, develops and merchandizes products for the consumer market, including promoting such products through infomercials on television and selling products through retail establishments.

4. On information and belief, Defendant S.C. Chang Inc. is a corporation organized and existing under the laws of the State of California, having a place of business at 1221 W State Street, Ontario CA 91762.

5. On information and belief, Defendant offers for sale and sells consumer products to customers throughout the United States and within the State of New Jersey, including within the District of New Jersey.

### **JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the laws of the United States relating to patents, including Title 35 U.S.C. § 271 and 281-285.

7. This Court has subject matter jurisdiction under the provisions of Title 28 U.S.C. § 1338 (a), and Title 28 U.S.C § 1332(a), as the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs, and is between citizens of different states.

8. On information and belief, this Court has personal jurisdiction over Defendant transacts business within the State of New Jersey and within the District of New Jersey, and offers for sale and sells products to customers within the State of New Jersey and within the District of New Jersey; and has caused harm to Plaintiff within the District of New Jersey.

9. Venue is proper in this judicial district under Title 28 U.S.C. §§ 1391 (b) and (c).

### **BACKGROUND**

10. On April 10, 2012, United States Patent No. 8,151,577 (the “’577 Patent”) was duly and legally issued by the United States Government to Alfio Bucceri, for Frozen Beverage Device. A true copy of the ‘577 Patent is attached hereto as **Exhibit A**.

11. The ‘577 Patent was published January 27, 2011.

12. Plaintiff has had the exclusive rights in and to the ‘577 Patent throughout the period of the Defendant’s infringing and unlawful acts as set forth herein and still has said exclusive rights.

13. Plaintiff Ontel offers for sale and sells a frozen beverage container in accordance with the claims of the ‘577 Patent under the trademark SLUSHY MAGIC (the “Patented Product”).

14. On information and belief, Defendant has offered and now offers for sale and sells a product called “Super Slush Cup” to customers in the United States and within the District of

New Jersey (the “Infringing Product”), which is alleged to violate the rights of Plaintiff herein by infringing the claims of the ‘577 Patent.

15. On information and belief, Defendant offers for sale and sells the Infringing Product to customers in the United States and within the District of New Jersey, without permission of Plaintiff.

### **FIRST CAUSE OF ACTION**

#### **PATENT INFRINGEMENT AGAINST DEFENDANT**

16. Plaintiff repeats and re-alleges each allegation in paragraphs 1-15 of this Complaint as if set forth in full herein.

17. Upon information and belief, within the six (6) years prior to the filing of this Complaint, and continuing through the present date, Defendant has infringed the claims of the ‘577 Patent within the United States, including without limitation through the offering for sale and sale of the Infringing Product.

18. Upon information and belief, Defendant has therefore infringed the ‘577 Patent within the United States, including without limitation through the offering for sale and sale of the Infringing Product which infringes the ‘577 Patent, and that the infringement of each of the ‘577 Patent has been willful and will continue unless rectified by this Court.

19. Upon information and belief, Plaintiff has been damaged by the infringing activities of Defendant and Defendant is liable for such damages, in an amount to be determined.

20. The wrongful acts of Defendant have damaged and will continue to damage Plaintiff irreparably and Plaintiff has no adequate remedy at law for those wrongs and injuries. The damage to Plaintiff includes harm to its goodwill and reputation in the marketplace that

money cannot compensate. In addition to its actual damages, Plaintiff is therefore entitled to a preliminary and permanent injunction restraining and enjoining Defendant and its agents, servants and employees, and all persons acting thereunder, in concert with, or on their behalf, from infringing each of the '577 Patent, including without limitation restraining and enjoining the importation, offering for sale and selling the Infringing Product or any other product which infringes the '577 Patent.

21. Plaintiff has complied with the statutory requirement of placing on the packaging of the Patented Product the following notice: "U. S. Pat. No. 8,151,577" and has given Defendant written notice of the infringement of said patent, and Defendant has continued to infringe thereafter.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Ontel Products Corporation prays for judgment against Defendant, as follows:

1. That the '577 Patent be determined enforceable for its life and duration;
2. That Defendant has infringed the '577 Patent, and that such infringement has been willful;
3. That an accounting be had for the damages caused Plaintiff by the patent infringing activities of Defendant and that such damages, including damages for lost profits, in an amount to be determined, which sum should be trebled pursuant to 35 U.S.C. § 284, with interest thereon, be awarded to Plaintiff;
4. That Plaintiff be granted preliminary and permanent injunctive relief restraining and enjoining Defendant and its agents, servants and employees, and all persons acting thereunder, in concert with or on its behalf from infringing the '577 Patent, in the United

States, including without limitation restraining and enjoining the importation, manufacture, offer for sale and sale of the Infringing Product and/or any product which violates the '577 Patent;


5. That Plaintiff be granted further injunctive relief directing Defendant to provide Plaintiff with the names and contact information for all entities that purchased the Infringing Product within the United States, and to notify each such entity that such product has been found to be illegal and infringing;
6. That Plaintiff be awarded its attorneys' fees, costs, and expenses in this action, pursuant to 35 U.S.C. §285;
7. That Plaintiff be awarded prejudgment interest and post-judgment interest on all sums awarded to Plaintiff herein; and
8. That Plaintiff be awarded such further necessary and proper relief as the Court may deem equitable and just.

**JURY TRIAL DEMANDED**

Plaintiff Ontel Products Corporation hereby demands a trial by jury of all issues so triable.

Dated: November 7, 2014

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Ontel Products Corporation

# **EXHIBIT A**





US008151577B2

(12) **United States Patent**  
**Bucceri**

(10) **Patent No.:** **US 8,151,577 B2**  
(45) **Date of Patent:** **Apr. 10, 2012**

(54) **FROZEN BEVERAGE DEVICE**

(56) **References Cited**

(75) Inventor: **Alfio Bucceri**, Hamilton (AU)

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(73) Assignee: **Hydro-Turbine Developments Pty Ltd**,  
Queensland (AU)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 39 days.

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(21) Appl. No.: **12/735,212**

(22) PCT Filed: **Dec. 22, 2008**

(86) PCT No.: **PCT/AU2008/001923**

§ 371 (c)(1),  
(2), (4) Date: **Sep. 27, 2010**

(87) PCT Pub. No.: **WO2009/079721**

PCT Pub. Date: **Jul. 2, 2009**

(65) **Prior Publication Data**

US 2011/0020515 A1 Jan. 27, 2011

(30) **Foreign Application Priority Data**

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Sep. 19, 2008 (AU) ..... 2008904877

(51) **Int. Cl.**  
**F25C 1/18** (2006.01)

(52) **U.S. Cl.** ..... **62/68; 62/1; 62/457.2; 62/529;**  
62/530; 62/66; 426/524; 426/109; 426/519;  
426/393; 426/515; 206/219; 366/130

(58) **Field of Classification Search** ..... 62/1, 457.2,  
62/529-530, 66, 68; 426/524, 109, 519,  
426/393, 515; 206/219; 366/130

See application file for complete search history.

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*Primary Examiner* — Cheryl J Tyler

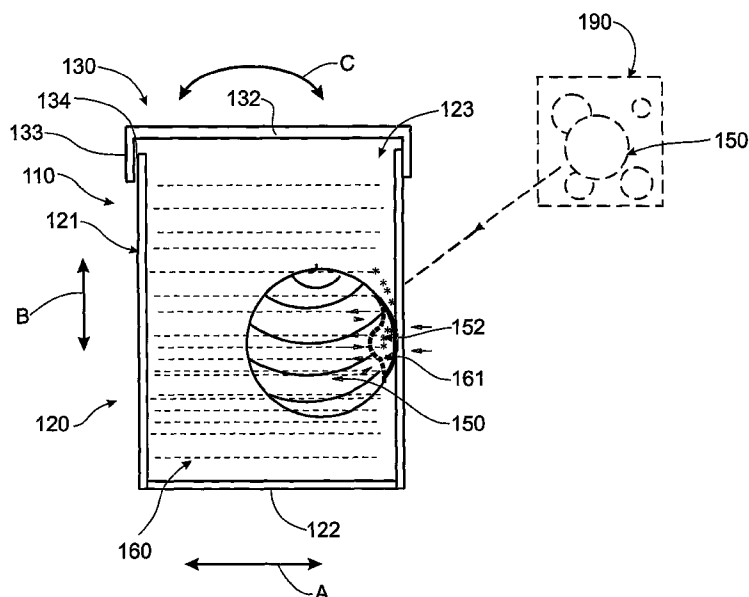
*Assistant Examiner* — Orlando E Aviles Bosques

(74) *Attorney, Agent, or Firm* — Hudak, Shunk & Farine Co.  
LPA

(57) **ABSTRACT**

A frozen beverage device (10) has a container (20) and sealable cover (30) to convert a liquid (60), such as a non-alcoholic or alcoholic beverage into an at least semi-frozen slurry containing ice crystals (61). Freezing device(s) (50), which may have a range of shapes, contain refrigerant to form a thin layer of ice/ice crystals on the deformable wall(s) of the freezing device(s) (50), the ice crystals (61) being released therefrom due to agitation of the liquid (60) by shaking/rotation and/or squeezing on the container (20) and/or cover (30).

**29 Claims, 4 Drawing Sheets**



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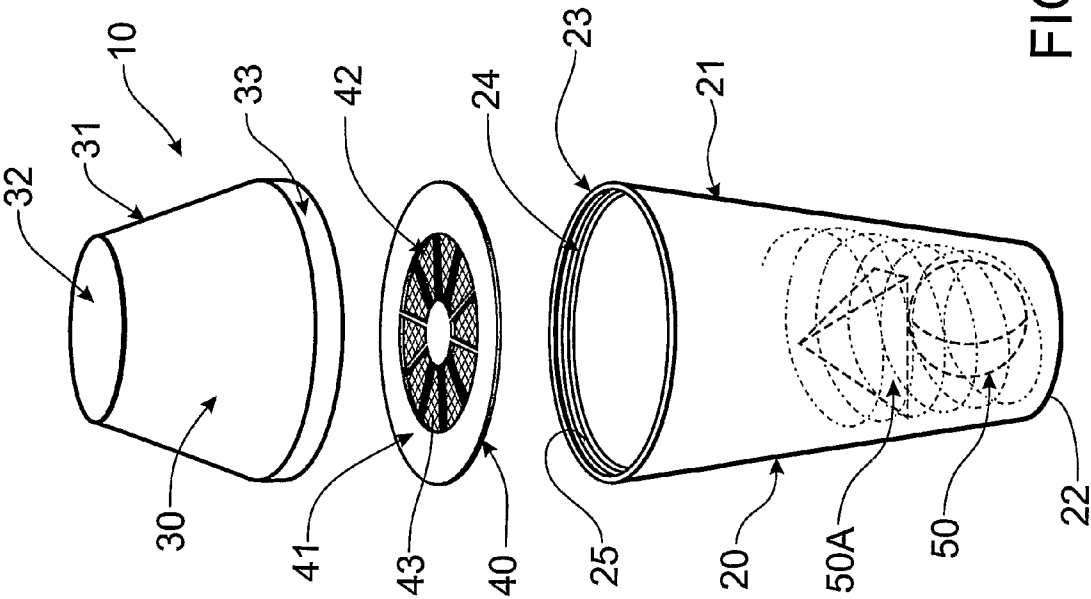


FIG. 1

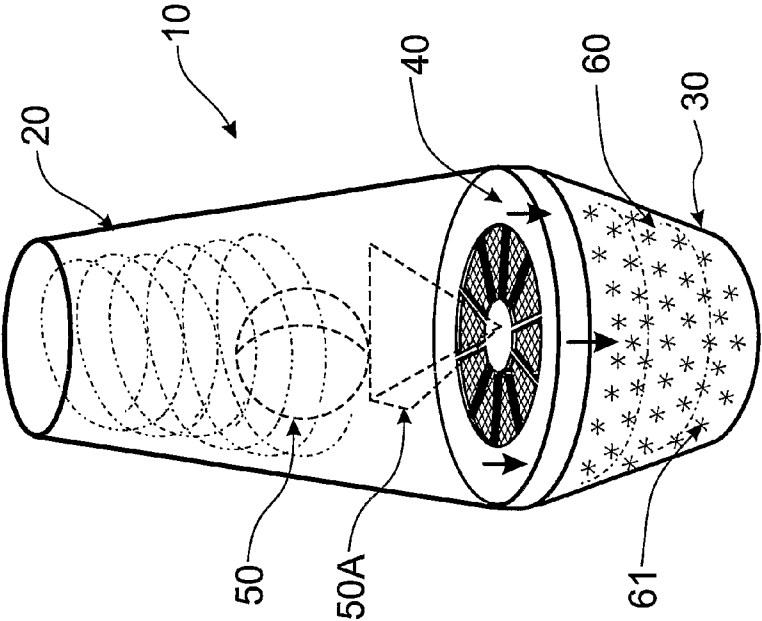


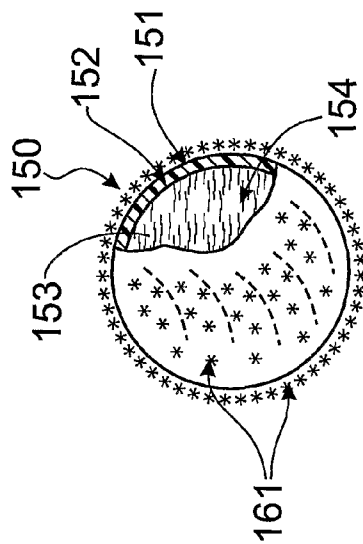
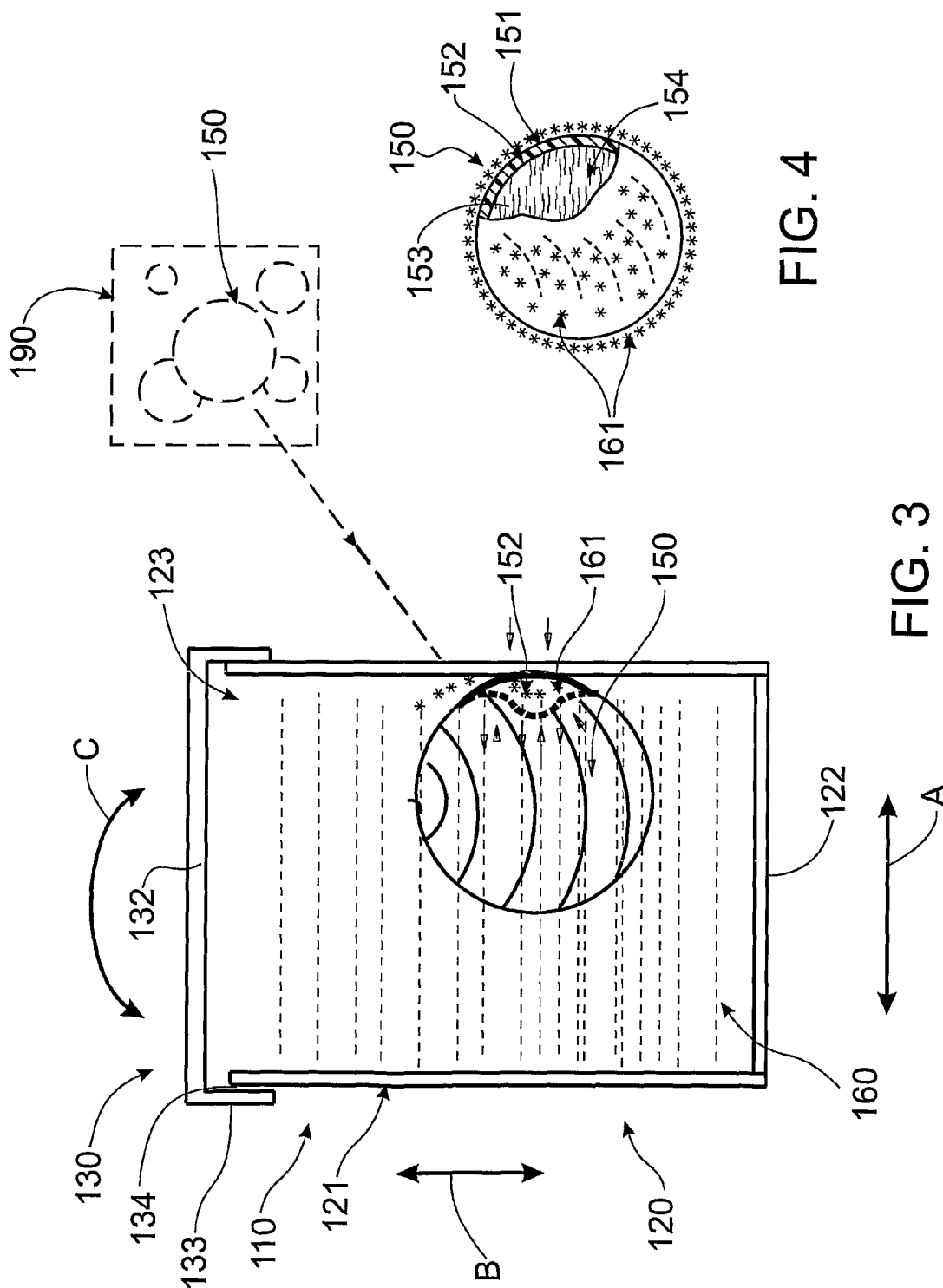
FIG. 2

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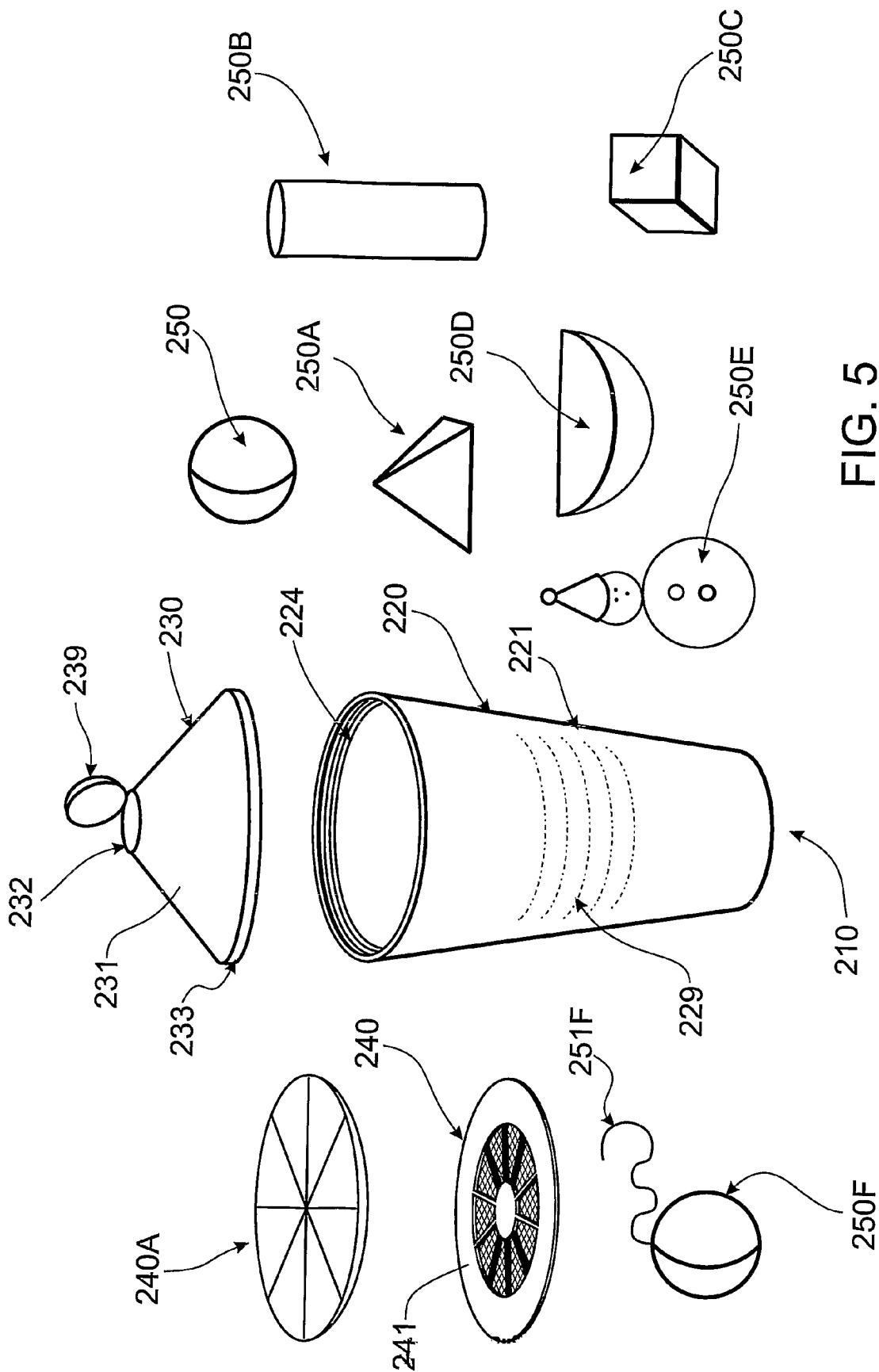


FIG. 5

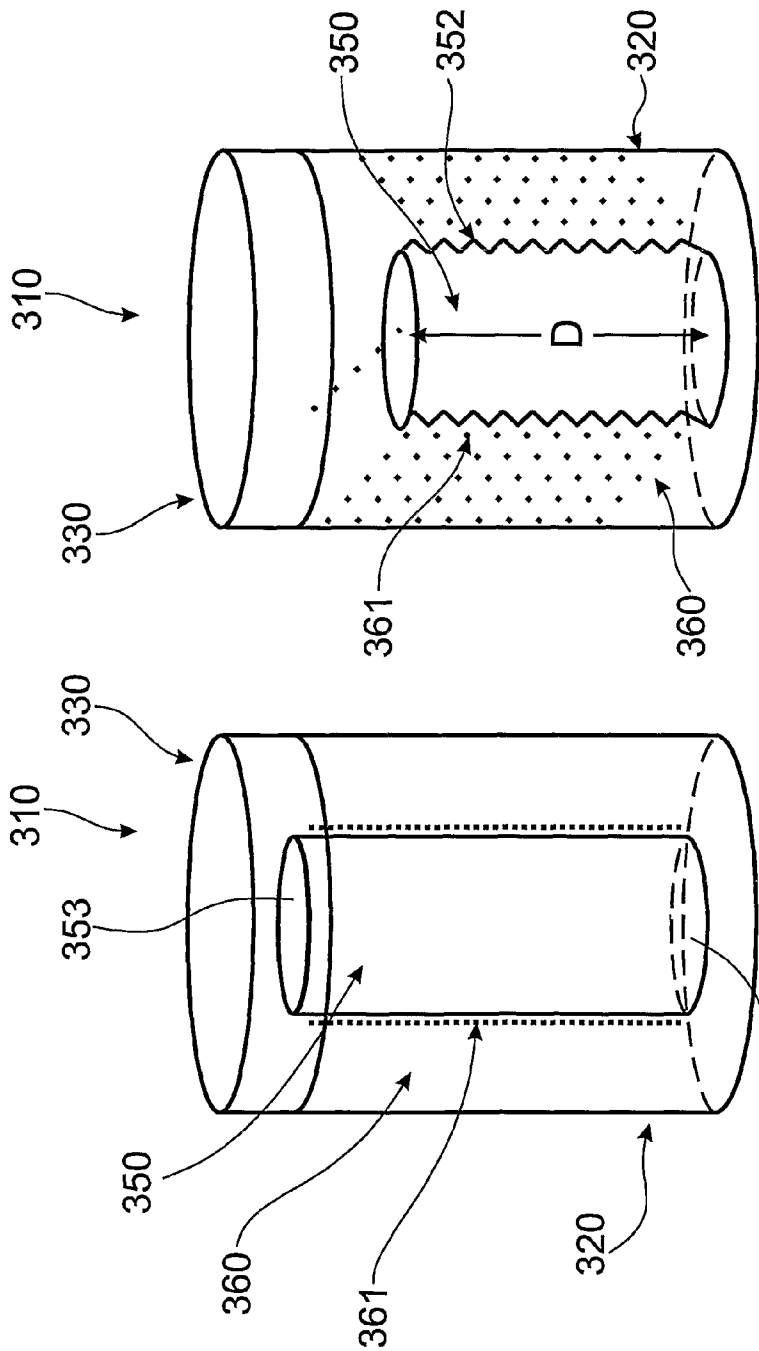


FIG. 7

FIG. 6

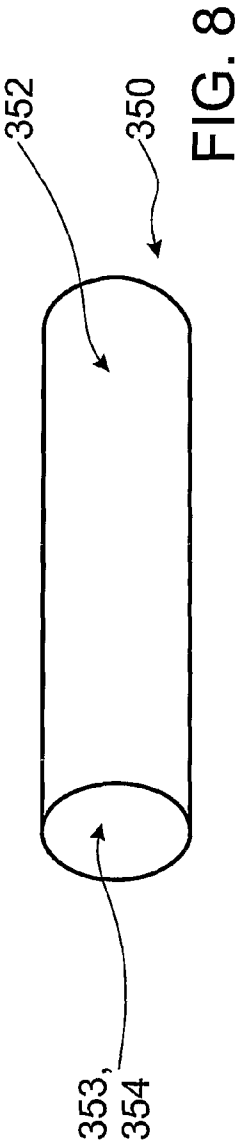


FIG. 8

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**FROZEN BEVERAGE DEVICE****BACKGROUND OF THE INVENTION****1. Field of the Invention**

THIS INVENTION relates to a frozen beverage device; and to methods of producing frozen beverages using the device.

The invention is particularly suitable for, but not limited to, apparatus for making frozen beverages in semi-frozen “slurry” or “slushie” form; and to such a frozen beverage device which may be used as a toy or plaything.

Throughout the specification, the term “slurry” shall be used to include a mixture of liquid/semi-liquid, liquid/frozen and/or semi-liquid/frozen portions of the liquid.

**2. Prior Art**

Machines to produce so-called “slurry”-type drinks, eg., of well-known beverages such as “Coca-Cola”, “Pepsi Cola” and “Schweppes Lemonade” (all registered trade marks) are well-known and commonly found in take-away food outlets and convenience stores. However, these machines are expensive to manufacture and install; and are not suitable for, eg., domestic use; or for the manufacture of a wide range of “slurry”-style beverages, including alcoholic beverages such as cocktails.

International Patent Application PCT/AU2005/001895 (=International Publication WO 2006/063401) (Bucceri, Alfio) discloses an apparatus for converting a liquid in a container to a semi-frozen slurry or to frozen ice particles, where a refrigerant is contained within a refrigerant cavity defined by at least two walls of the container, where flexing/deformation of at least one of the walls agitates the liquid to assist the conversion thereof into the semi-frozen slurry or the frozen ice particles.

While the apparatus disclosed in PCT/AU2005/001895 is effective in converting the liquid in the container into a semi-frozen slurry or the frozen ice particles, the cost of manufacture results in a product which is too expensive for the intended market; and particularly is too expensive for manufacture and sale as a disposable or “throw-away” item.

**SUMMARY OF THE PRESENT INVENTION**

It is an object of the present invention to provide a simplified apparatus for quickly cooling beverages (or other liquids) and/or making semi-frozen “slurry” beverages, ice creams, frozen confections, ice or the like.

It is a preferred object of the present invention to provide such an apparatus which is inexpensive to manufacture and which can be disposable.

It is a further preferred object of the present invention to provide such an apparatus which can be manufactured from food-grade materials, be hygienically cleaned and be re-used many times.

It is a still further preferred object of the present invention to provide an apparatus which only incorporates materials which are safe for use by children, and which can be safely and environmentally disposed of.

Other preferred objects of the present invention will become apparent from the following description.

In one aspect, the present invention resides in an apparatus for converting a liquid into a semi-frozen or frozen “slurry” form, including:

- a container, having a mouth, operable to receive the liquid;
- a cover operable to sealably close the mouth of the container; and

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at least one freezing device, having a closed body at least partially filled with a refrigerant material; so arranged that:

the refrigerant material is cooled below a freezing temperature of the liquid; and when the freezing device is placed in the liquid, at least a portion of the liquid surrounding the freezing device will form an at least partially frozen layer on the exterior of the freezing device, and will be displaced therefrom when the freezing device impacts one or more walls of the container and/or the cover or lid.

Preferably, the container and the cover are formed from food-grade metal-, plastics- or polymer-material(s), which may incorporate reinforcing fibres, if to be re-usable.

The container and the cover may be insulated and/or be at least partially transparent or semi-translucent to enable the cooling process to be observed.

The cover may incorporated a closable opening, operable to allow the liquid to be introduced to the container; for the at least semi-frozen slurry to be discharged from the container; and/or allow the liquid and or the slurry to be consumed by a drinking straw or the like. In this form, the container and the cover may be formed integrally, and the closure for the closeable opening may be formed integrally with, or be attached to, the cover.

Preferably, where the apparatus is to be re-used, the container and cover are formed of metals, eg., stainless steel or aluminum; or of tough plastics- or polymer-materials, eg., polyethylene, polypropylene, PVC, ABS or the like, which may be reinforced with Nylon-, polypropylene- or carbon-fibres. Where, however, the apparatus is to be a disposable (ie., “throw-away”) article, the container and cover can be injection- or blow-moulded of thin plastics- or polymer-material, eg., of the type used to produce beverage containers; or formed from waxed paper or cardboard or the like.

Preferably, the container and/or the cover are provided with sealing means to seal the junction between the mouth of the container and the container and cover may be releasably connected by screw-threadable, bayonet-coupling, frictional, or other releasable-engagement method.

A strainer member, preferably of the same material as the container and/or the cover, may be removably provided at the mouth of the container, to allow the at least semi-frozen slurry to flow into the cover, when the container is inverted, whilst retaining the freezing device(s) within the container, and before the cover is released from the container to enable consumption of the at least semi-frozen slurry.

The or each freezing device preferably has a closed body with at least one thin wall, the or each thin wall preferably formed of a material which is resiliently deformable (eg. can concertina) when impacted and/or which has at least good heat-transfer characteristics. Suitable materials for the manufacture of the freezing device(s) includes plastics, such as low density polyethylene, silicone, thermal polyurethane (TPU), PVC, Nylon, rubber, latex, vinyl; waxed paper, TPR; or flexible metals, eg., thin stainless steel, aluminum sheet or foils. The plastics may be reinforced with Nylon-, polypropylene- or carbon-fibres.

Preferably, the freezing device(s) can have an almost unlimited range of shapes, including spheres, cubes, pyramids, cylinders, or irregular shapes including novelty shapes, eg., of cartoon- or animation-characters.

Preferably, the closed bodies have internal capacities ranging from 10 milliliters (10 ml) to 50 liters (50 L) or more; and the number of the freezing device(s) to be placed in the container, to at least semi-freeze the liquid in the container, is preferably selected so that the total internal capacity of the

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freezing device(s) is preferably in the range of 50 to 200%, more preferably 75 to 100%, of the volume of the liquid.

Preferably, the maximum dimension(s) of the freezing device(s) is less than the minimum dimension(s) of the container and/or the cover.

Preferably, the or each freezing device is filled in the range of 70-90% of its' internal capacity with the refrigerant material; and suitable refrigerant materials include salt/water, salt/propylene glycol/water, propylene glycol/water, sugar/water mixtures, soft drinks or the like. Other refrigerant mixtures, which are safe if accidentally consumed, may be used. By way of example, the refrigerant materials may include 20% salt/80% water; 10% salt/3% propylene glycol/87% water; or 30% propylene glycol/70% water mixtures, all the percentages being on the basis of % (w/w). The refrigerant material(s) must be capable of being cooled to a temperature, eg., preferably  $-18^{\circ}\text{C}$ . or lower, which is below the freezing temperature of the liquid in the container and cover.

In a second aspect, the present invention resides in a method of forming an at least semi-frozen slurry from a liquid, using the apparatus as hereinbefore described, the method including the steps of:

cooling the refrigerant material(s) in the or each freezing device, in a cooling or freezing apparatus, to a temperature below the freezing temperature of the liquid;

placing the liquid in the container and/or cover;

placing the or each freezing device in the container or cover,

closing the mouth of the container with the cover; and

agitating the liquid in the container and/or cover to cause the or each freezing device to move through the liquid, and for a layer of the liquid to at least semi-freeze on the or each freezing device and to be displaced therefrom when the or each freezing device impacts one or more walls of the container or cover.

Preferably the liquid is agitated by shaking the container in horizontal and/or vertical directions and/or by rotation of the container about its axes; where the shaking and/or rotation is effected eg. for 30-120 seconds for a domestic apparatus; or by squeezing the deformable wall(s) of the container.

In a third aspect, the present invention resides in an at least semi-frozen slurry or frozen beverage produced by the method hereinbefore described.

## BRIEF DESCRIPTION OF THE DRAWINGS

To enable the invention to be fully understood, preferred embodiments will now be described with reference to the accompanying drawings in which:

FIGS. 1 and 2 are respective schematic perspective views of a first embodiment of the apparatus, of the present invention, where the freezing devices are being placed in the liquid to be frozen, and where the liquid has been at least semi-frozen, respectively;

FIG. 3 is a schematic side view of a second embodiment of the present invention, showing the deformation of the freezing device to allow the release of the frozen particles therefrom;

FIG. 4 is a schematic side view of the freezing device of FIG. 3 in part-section;

FIG. 5 is a schematic view of a third embodiment of the present invention showing some of the possible alternative shapes for the freezing devices;

FIGS. 6 and 7 are schematic side views of a fourth embodiment of the present invention; and

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FIG. 8 is a perspective view of the cylindrical freezing device of FIGS. 6 and 7.

## DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring to the first embodiment of the invention illustrated in FIGS. 1 and 2, the apparatus 10 incorporates a cup 20, a cover 30 and an optional strainer 40.

In this embodiment, the container 20, the cover 30 and the strainer 40 are injection-moulded from transparent or translucent plastics-material, eg., polyethylene.

The container 20 is in the form of a cup with a frusto-conical side wall 21 terminated by a bottom wall 22 at one end and by an open mouth 23 at the other end. One or more screw threads 24 (or optional bayonet-coupling components) are provided on the inner face of the side wall 21, adjacent the mouth 23, to releasably receive complementary screw-threads (or bayonet-coupling components) on the cover 30 to enable releasable engagement between the container 20 and the cover 30. A sealing surface or ring 25 may be provided within the open mouth 23 (and preferably above the screw-threads 24) to ensure sealed engagement between the container 20 and the cover 30.

The cover 30 is also of substantially frusto-conical configuration with a side wall 31 terminated at one end by a top wall 32 and at the other end by a screw-threaded rim 33, operable to engage the screw-threads 24 of the container 20.

A strainer 40 has a peripheral rim 41 releasably located in, and clamped to, the open mouth 23 of the container 20, by the cover 30. The strainer 40 has a mesh or perforated central straining panel 42 within the peripheral rim 41, where the holes or perforations 43 in the straining panel 42 are dimensioned to allow the at least semi-frozen slurry to pass therethrough when the apparatus 10 is inverted—see FIG. 2—but will restrain the freezing devices 50, 50A within the container 20.

In this embodiment, the freezing devices 50, 50A, to be hereinafter described in more detail, have the configuration of a sphere and of a pyramid, respectively. As will hereinafter be described with reference to FIG. 5, the freezing devices may have a wide range of alternative shapes, including irregular or novelty shapes, eg., of cartoon- or animation-characters.

Referring to the second embodiment of the invention illustrated in FIGS. 3 and 4, the apparatus 110 has a container 120, manufactured from thin stainless steel sheet, with a cylindrical side wall 121 terminated at one end by a bottom wall 122 and at the other end by an open mouth 123.

The cover 130 is formed from transparent or translucent plastics material, eg., as hereinbefore described with a peripheral rim 133, provided with an internal sealing ring 134, arranged for sealing/frictional engagement with the portion of the side wall 121 of the container 120 adjacent the open mouth 123.

The freezing device 150 has a closed body 151 of spherical shape, formed of a thin plastic-material (eg., polyurethane), with a resiliently deformable wall 152; and where the internal capacity 153 is 75-90% filled with the refrigerant material 154 comprising, eg., a 20% salt/80% water (w/w) mixture.

The refrigerant material 154 may be cooled to a temperature at or below  $-18^{\circ}\text{C}$ . in a refrigerated freezer 190, before being transferred to the container 120.

Alternatively, the freezer 190 may contain cryogenic material, such as dry ice (carbon dioxide); or a pre-cooled brine solution at/below  $-10$  degrees Celsius; or a similar freezing material for snap-freezing of the freezing devices 150 for quick turn around of use, eg. in a bar or stadium, where



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conventional refrigeration would not be acceptable. Typically, in these applications, the container **120** and cover **130** would be disposable. The liquid beverage **160** would be dispensed into the container **120**, the freezing device **150** added, & the cover **130** fitted. The container **120** would be shaken to form the slurry. The freezing device **150** can be removed (and be washed/refrozen for reuse); or, if disposable, disposed with the container **120** and cover **130**, after the beverage slurry is consumed.

NB: The skilled addressee will appreciate that, at any one time, a number of the freezing devices **150** will be placed in the freezer **190** so as to be ready for use.

As illustrated in FIGS. **3** and **4**, the liquid **160** in the apparatus **110** will form at least a thin layer of ice or ice crystals **161** on the exterior of the body **151** of the freezing device **150**, and the thin layer of ice/ice crystals **161** will be dislodged from the body **151** when the side wall **152** impacts, and is deformed by, any of the walls **121**, **122** of the container **120**; wall **132** and/or peripheral flange or rim **133** of the cover **130**; and/or the strainer (which has been omitted for clarity).

The deformation of the wall **152** of the body **151** of the freezing device **150** is indicated by dashed lines in FIG. **3**.

Arrows A, B, C indicate examples of the shaking and/or rotating motions which may be applied to the apparatus **110** to agitate the liquid **160** within the apparatus **110** and thereby cause the freezing device **150** to move through the liquid **160**, and impact the walls to progressively convert the liquid to at least a semi-frozen slurry.

Referring now to FIG. **5**, the apparatus **210** of a third embodiment has a container **220** and cover **230** of generally similar configuration to the container **20** and cover **30** of the apparatus **10** of the first embodiment.

It will be noted that the side wall **221** of the container **220** has screw-threads **224** of the type hereinbefore described; and has either decorative or printed material applied to the external face **229** of the side wall **221**; or the side wall **221** may incorporate integral formations which assist in the agitation of the liquid and/or dislodgement of the frozen ice/ice particles from the freezer device to be hereinafter described.

In this embodiment, the cover **230** has a frusto-conical side wall **231** as hereinbefore described, defined at one end by the peripheral rim **233**.

However, at the other end, the top wall is replaced by an opening **232** which is selectively closable by an integrally formed hinged closure **239**. The closure **239** enables the opening **232** to be selectively opened to enable liquid to be placed in the container **220**; or the at least semi-frozen slurry to be discharged from the container **220** when the container is inverted; or to enable the insertion of a drinking straw for the consumption of the at least semi-frozen slurry within the container **220**.

The strainer **240** has a configuration similar to the strainer **40** of the first embodiment; but an alternative strainer **240A** omits the peripheral rim **241**.

As illustrated in FIG. **5**, the freezer devices can have a wide range of shapes, including a sphere **250**, pyramid **250A**, cylinder **250B**, cube **250C**, segment **250D**, snowman **250E** or other cartoon- or animated-character shape, or an assembly **250F** incorporating a spherical shape as per the sphere **250** with a "tail" **251F** which may pass through the opening **232** to enable the consumer to "jiggles" the freezing device **250F** to assist in agitating the liquid in the container **220**. The tail **251F** may also pass through the strainer **240A** to enable the latter to be pulled upwardly from the bottom of the container to scrape free any ice crystals on the inner face of the side wall **221** of the container **220**.

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The embodiments of FIGS. **1** and **2**; **3** and **4**; and **5** have referred to relatively rigid containers **20**, **120**, **220**. The agitation of the liquid can also be affected by the containers having flexible wall(s) **21**, **121**, **221**, eg. formed of silicone, polyurethane or other flexible plastics-material, so that the walls **21**, **121**, **221** can be squeezed (eg. as in the direction of arrow D in FIG. **7**) against the freezing devices **50**, **150**, **250** to form the slurries. This can avoid need to shake the containers **20**, **120**, **220**, thereby minimizing accidental release of the covers **30**, **130**, **230** as the slurries are formed.

Referring now to the fourth embodiment illustrated in FIGS. **6** to **8**, the apparatus **310** has a container **320** and cover **330** substantially as hereinbefore described.

The freezing device **350** is of cylindrical shape, and the cylindrical side wall **352** can "concertina", as shown in FIG. **7**, to displace the ice crystals **361** formed (from the liquid **360**) thereon, when the container **320** is shaken in the direction of arrow D, to cause the end walls **353**, **354** of the freezing device **350** to impact the container **320** and cover **330**.

In a modified form of this embodiment, the container **320** may be provided in the shape of a soft drink container, and the freezing device **350** could also be made in the same shape to make a frozen beverage from a known soft drink supplier.

As hereinbefore described, the freezer devices may have a range of internal capacities, from 10 milliliters (10 ml) to 50 liters (50 L) or larger, depending on the intended volume of liquid to be at least semi-frozen to a slurry or completely frozen to ice particles.

As illustrated in FIGS. **1** and **2**, one or more freezer devices, of similar, different shape(s) can be used simultaneously to convert the liquids to the slurries and/or ice particles.

The selection of the number (and thereby total internal capacity) of the freezer device(s) and/or the refrigerant material(s) will be dependent on the volumes and/or freezing temperatures of the liquids. For example, a higher refrigerant material/liquid ratio is required to at least semi-freeze alcoholic beverages than water-based beverages, as the alcohol tends to act as an "anti-freeze" and so slow the conversion of the liquids to the ice/ice particles. For example, the total internal capacity of the freezer device(s) to be used with alcohol-based beverages may be on a 100%:100% ratio (v/v) with the volume of the beverages; whereas the ratio for water-based beverages may only be 75%:100% (v/v).

Furthermore, the number of freezer devices required will be dependent on the initial temperature of the liquids; and it is preferred that the liquids at least be reduced in temperature to, eg., 4° C., within the refrigerator before the freezer devices are added.

Preferably, the maximum dimension of any of the freezer devices will not be equal to, or larger than, the minimum dimensions of the container and/or cover; and preferably, the volume of the container is at least three times the total volume of the freezer devices.

The shaking and/or rotation of the apparatus **10**, **110**, **210** may be manually, eg., for a domestic apparatus; or by machine in a semi-domestic or "commercial" application, eg., in a bar or cocktail lounge.

The apparatus may be manufactured so that it is disposable after a single use; or may be designed to be hygienically cleaned and re-used many times.

As not all the refrigerant material may become liquid as it absorbs the heat from the surrounding liquid, the time the freezer devices require in the freezer **190** for re-use can be reduced.

It will be readily apparent to the skilled addressee that the present invention provides a simple, inexpensive, yet efficient

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apparatus, and method, for converting liquids, such as alcoholic and non-alcoholic beverages, into at least semi-frozen slurries or frozen confections.

In addition, the freezing devices can enable existing containers, eg. cocktail shakers or drink containers to produce at least semi-frozen slurry beverages.

Various changes and modifications may be made to the embodiments described and illustrated without departing from the present invention.

The invention claimed is:

1. An apparatus for converting a liquid into a semi-frozen or frozen "slurry" form, including:

a container, having a mouth, operable to receive the liquid; a cover operable to sealably close the mouth of the container; and

at least one freezing device, the at least one freezing device having a closed body, with at least one wall, the at least one wall being formed of a resiliently deformable material, the closed body being at least partially filled with a refrigerant material;

wherein in a first operational mode the refrigerant material inside the at least one freezing device is cooled below a freezing temperature of the liquid; and in a second operational mode, after the first operational mode, with the at least one freezing device with the refrigerant material cooled below a freezing temperature of the liquid placed in the container, the liquid is added to the container before and/or after the at least one freezing device is placed in the container, wherein at least a portion of the liquid in contact with the at least one wall of the at least one freezing device in the second operational mode forms an at least partially frozen layer on an exterior of the at least one freezing device, and in a third operational mode, after said first and second operational modes, the container and/or cover is agitated and the at least one wall of the at least one freezing device impacts at least one wall of the container and/or cover and the at least one freezing device is deformed in the at least one wall and the at least partially frozen layer will be displaced from the exterior of the at least one freezing device to convert said liquid into said semi-frozen or frozen "slurry" form.

2. The apparatus as claimed in claim 1, wherein:

the container and the cover are formed from one or more of a food-grade metal-,

a plastic material and a polymer material, which optionally incorporate reinforcing fibers; and

wherein the container and the cover are optionally insulated and/or are at least partially transparent or semi-transparent to enable the cooling process to be observed.

3. The apparatus as claimed in claim 1, wherein:

the cover incorporates a closeable opening, operable to allow the liquid to be introduced to the container; or the at least semi-frozen slurry to be discharged from the container; and/or allow the liquid and/or the slurry to be consumed by a drinking straw.

4. The apparatus as claimed in claim 3, wherein:

the container and the cover are formed integrally; and a closure for the closable opening is formed integrally with, or attached to, the cover.

5. The apparatus as claimed in claim 1, wherein:

where the apparatus is to be re-used, the container and cover are formed of metals, and/or of tough plastic- or polymer-materials, which are optionally fiber-reinforced; but where the apparatus is to be a disposable article, the container and cover are injection- or blow-molded of plastic- or polymer-material, or formed of waxed paper or cardboard.

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6. The apparatus as claimed in claim 1, wherein:

the container and/or the cover are provided with a sealing surface or ring to seal a junction between the mouth of the container and the cover; and

the container and cover are releasably connected by screw-threadable, bayonet-coupling, frictional, or other releasable-engagement members.

7. The apparatus as claimed in claim 1, wherein:

a strainer member, optionally of the same material as the container and/or the cover, is removably provided at the mouth of the container, to allow the at least semi-frozen slurry to flow into the cover, when the container is inverted, whilst retaining the at least one freezing device within the container, after the cover is released from the container to enable consumption of the at least semi-frozen slurry.

8. The apparatus as claimed in claim 1, wherein:

the closed body of the or each freezing device has heat-transfer characteristics; and suitable materials for the manufacture of the at least one freezing device includes plastics or flexible metals.

9. The apparatus as claimed in claim 1, wherein:

the closed body of the at least one freezing device is of cylindrical shape with a cylindrical side wall that operates in the manner of a concertina.

10. The apparatus as claimed in claim 1, wherein:

the closed body has an internal capacity ranging from 10 milliliters (10 ml) to 50 liters (50 L); and

the number of the at least one freezing device to be placed in the container, to at least semi-freeze the liquid in the container, is selected so that the total internal capacity of the at least one freezing device is in the range of 50 to 200%, of the volume of the liquid.

11. The apparatus as claimed in claim 10, wherein:

the maximum dimensions of each of the at least one freezing device are less than the minimum dimensions of the container and/or the cover.

12. The apparatus as claimed in claim 10, wherein:

the closed body of the at least one freezing device is filled in the range of 70-90% of its' internal capacity with the refrigerant material; and

the refrigerant materials include at least one of salt/water, salt/propylene glycol/water, propylene glycol/water, sugar/water mixtures and soft drinks.

13. The apparatus as claimed in claim 12, wherein:

the refrigerant materials includes 20% salt/80% water; 10% salt/3% propylene glycol/87% water; or 30% propylene glycol/70% water mixtures, all the percentages being on the basis of % (w/w); and

the refrigerant material is capable of being cooled to a temperature, optionally  $-18^{\circ}\text{C}$ . or lower, which is below the freezing temperature of the liquid in the container and cover.

14. The apparatus as claimed in claim 8, wherein said plastic comprises polyurethane, PVC, rubber, latex, or vinyl, and wherein said metal comprises stainless steel, aluminum sheet or foil.

15. A method of forming an at least semi-frozen slurry from a liquid, using an apparatus including a container having a mouth to receive the liquid, a cover to operatively close the mouth of the container, and at least one freezing device, the at least one freezing device having a closed body, at least partially filled with a refrigerant material and having at least one wall, the at least one wall being formed of a material which is

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resiliently deformable when impacted, the method including the steps of:

cooling the refrigerant material in the at least one freezing device, in a cooling or freezing apparatus, to a temperature below a freezing temperature of the liquid;

placing the liquid in the container and/or cover;

placing the at least one freezing device in the container and/or cover,

closing the mouth of the container with the cover; and

agitating the liquid in the container and/or cover to cause the at least one freezing device to move through the liquid, and for a layer of the liquid to at least semi-freeze on the at least one freezing device and then to be displaced therefrom when the at least one freezing device impacts at least one wall of the container or cover.

16. The method as claimed in claim 15, wherein:

the liquid is agitated by shaking the container in horizontal and/or vertical directions and/or by rotation of the container about its axes; or by squeezing the at least one wall of the container and/or cover, the at least one wall of the container and/or cover being resiliently deformable, in to contact with the at least one freezing device; and where the shaking and/or rotation and/or squeezing is effected optionally for 30-120 seconds for a domestic apparatus.

17. The method as claimed in claim 15, wherein:

the container and the cover are formed from one or more of a food-grade metal, a plastic material and a polymer-material, which optionally incorporate reinforcing fibers;

the container and the cover are optionally insulated and/or at least partially transparent or semi-translucent to enable the cooling process to be observed; and

optionally, the cover incorporates a closable opening, operable to allow the liquid to be introduced to the container; or the at least semi-frozen slurry to be discharged from the container; and/or allow the liquid and or the slurry to be consumed by a drinking straw.

18. The method as claimed in claim 17, wherein:

the container and the cover are formed integrally; and a closure for the closeable opening is formed integrally with, or attached to, the cover.

19. The method as claimed in claim 15, wherein:

a sealing surface or ring is provided to seal a junction between the mouth of the container and the cover; and the container and cover are releasably connectable by screw-threadable, bayonet-coupling, frictional, or other releasable-engagement members.

20. The method as claimed in claim 15, wherein: a strainer member, optionally of the same material as the container and/or the cover, is removably provided at the mouth of the container, to allow the at least semi-frozen slurry to flow into the cover, when the container is inverted, whilst retaining the at least one freezing device within the container after the cover is released from the container, to enable consumption of the at least semi-frozen slurry.

21. The method as claimed in claim 15, wherein: the container has at least one side wall of resiliently deformable material, so arranged that squeezing of the at least one wall into contact with the at least one freezing device will release ice crystals therefrom.

22. The method as claimed in claim 21, wherein:

the at least one freezing device is of substantially cylindrical shape, with a cylindrical side wall interconnecting a pair of end walls, so arranged that the cylindrical side

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wall operates in the manner of a concertina to release the ice crystals therefrom when the end walls impact the container and/or the cover.

23. The method as claimed in claim 21, wherein:

the closed body is selected to have an internal capacity ranging from 10 milliliters (10 ml) to 50 liters (50 L); and

the number of the at least one freezing device placed in the container, to at least semi-freeze the liquid in the container, is selected so that the total internal capacity of the at least one freezing device is in the range of 50 to 200%, of the volume of the liquid.

24. The method as claimed in claim 23, wherein: the maximum dimensions of the at least one freezing device are selected to be less than the minimum dimensions of the container and/or the cover.

25. The method as claimed in claim 23, wherein:

the closed body of the at least one freezing device is filled in the range of 70-90% of its' internal capacity with the refrigerant material; and

the at least one refrigerant material is selected from one or more of salt/water, salt/propylene glycol/water, propylene glycol/water, sugar/water mixtures and soft drinks.

26. The method as claimed in claim 25, wherein:

the at least one refrigerant material includes 20% salt/80% water; 10% salt/3% propylene glycol/87% water; or 30% propylene glycol/70% water mixtures, all the percentages being on the basis of % (w/w); and

the at least one refrigerant material is capable of being cooled to a temperature, optionally  $-18^{\circ}\text{C}$ . or lower, which is below the freezing temperature of the liquid in the container and cover.

27. The method as claimed in claim 21, wherein the resiliently deformable material is silicone or polyurethane.

28. A method of forming an at least semi-frozen slurry from a liquid, the method including the steps of:

cooling at least one refrigerant material at least partially filling a closed body of at least one freezing device, in a cooling or freezing apparatus, to a temperature below a freezing temperature of the liquid, the closed body having at least one wall formed of a material which is resiliently deformable when impacted;

placing the liquid in a container and/or cover;

placing the at least one freezing device in the container and/or cover;

closing a mouth of the container with the cover; and

agitating the liquid in the container and/or cover to cause the at least one freezing device to move through the liquid; and for a layer of the liquid to at least semi-freeze on the at least one freezing device and then to be displaced therefrom, by deformation of the at least one wall, when the at least one freezing device impacts at least one wall of the container and/or cover.

29. The method as claimed in claim 28, wherein:

the liquid is agitated by shaking the container in horizontal and/or vertical directions and/or rotation of the container about its axes; or by squeezing the at least one wall of the container and or cover, the at least one wall of the container and/or cover being resiliently deformable, in to contact with the at least one freezing device;

and where the shaking and/or rotation and/or squeezing is effected optionally for 30-120 seconds for a domestic apparatus.

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